

# BUTTE LOCAL AGENCY FORMATION COMMISSION

Minutes of May 2, 2013

## 1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on May 2, 2013, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

### 1.1 Roll Call

Present: Commissioners Scott Lotter (City), Larry Duncan (Special District), Bill Connelly (County), Jerry Fichter (City) Steve Lambert (County), and Chair Carl Leverenz (Public). Alternate Commissioners Loren Gill (Special District) and Greg Steel (Public).

Absent: Alternate Commissioners Ann Schwab (City), and Larry Wahl (County).

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Jill Broderson, LAFCO Management Analyst  
Joy Stover, LAFCO Commission Clerk  
Scott Browne, LAFCO Legal Counsel

### 1.2 Nomination and Election of LAFCO Chair and Vice-Chair

Commissioner Lotter nominated Carl Leverenz as LAFCO Chair, seconded by Commissioner Lambert and the nomination passed by unanimous vote.

Commissioner Connelly nominated Scott Lotter as LAFCO Vice-Chair, seconded by Commissioner Duncan and the nomination passed by unanimous vote.

## 2. CONSENT AGENDA

### 2.1 Approval of the Minutes of April 4, 2013

Chair Leverenz asked if anyone wanted any changes made to the minutes.

Commissioner Duncan noted the date on page one of the minutes, at section 2.1 needs to be changed to 2013.

**Commissioner Lotter made a motion to approve the Consent Agenda with the one change. The motion was seconded by Commissioner Duncan.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair  
Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

### 3. NOTICED PUBLIC HEARINGS

#### 3.1 **Review and Consideration of Proposed Budget for FY 2013/14** *(Continued from April 4, 2013 meeting)*

Jill Broderson stated staff has received no comments or concerns throughout the entire budget process from any of our member agencies.

Chair Leverenz opened this item to the public. No comments received and the public portion was closed.

**Commissioner Fichter made a motion to approve the final budget for fiscal year 2013/14. The motion was seconded by Commissioner Lotter.**

**The motion was carried by the following roll call vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair  
Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

### 4. REGULAR AGENDA

#### 4.1 **Items Removed from the Consent Agenda – None**

#### 4.2 **13-10 – City of Chico – Extension of Services – 1109 Stewart Avenue** *(Continued from April 4, 2013 meeting)*

Steve Lucas stated he wanted to highlight the conditions stated in the resolution attached to the staff report under Section 3 (A-D). The landowner submitted a completed application this morning and this may have met condition 3-C. Mr. Lucas stated he spoke with Ruben Martinez, General Services Director for the City of Chico. Mr. Martinez stated the City remains concerned about the City having a fixed deadline for the annexation. The City is moving forward with the fiscal analysis that is out in draft form and it is currently being circulated for comments. The City is interested in the annexation they are just not comfortable being bound to a time certain date for the annexation.

Chair Leverenz stated the Commission is in a position by giving the City a deadline; to hopefully encourage the City and the County can work out whatever differences they have. Not putting a deadline on things it tends to allow things to slide.

Chair Leverenz opened this item to the public.

Zach Thomas, Senior Planner for the City of Chico stated City staff continues to work with County and LAFCO staff to develop a timeframe for a master ultimate annexation plan to coincide with the requested master sewer service agreement. The City recently received the draft fiscal analysis looking at Chapman, Mulberry and Stewart annexation areas. The City would like to have any conditions tied to this approval tied to the timeline of the fiscal study, allowing this to be brought to the various decision making bodies for each entity, rather than a fixed timeline that might conflict with that process.

Chair Leverenz stated this is the first of May and the condition of a deadline of November 1<sup>st</sup> would give the City a long period of time to act and respond as to whether or not the fiscal impacts are such that the City really can or cannot annex the areas. The Commission has a responsibility to make sure this island issue is dealt with. If in fact the City and the County need to come back five months from now and state they need more time, the Commission would seriously consider an extension of time, if there is a legitimate reason to wait.

Zach Thomas stated the City is very aware of LAFCO's concerns and we continue to work towards that solution, this is the first major step in addressing council's concerns on the City's side.

Dan Ostrander, property owner at 1109 Stewart Avenue, Chico, stated that the staff report refers to an existing 3 bedroom house. He wanted to clarify that the existing house on this parcel was 3 bedrooms when he purchased it and he added on 2 additional bedrooms and a bathroom through a permit from the County.

Chair Leverenz closed the public portion of the meeting.

Commissioner Connelly stated the islands mentioned are not ag land, they are urban in nature, and if it were a rich neighborhood or industrial property the City would be quick to annex it. He would be remiss if he would say he would support any extension of time.

**Commissioner Connelly made a motion to adopt resolution No. 16 2012/13 approving the extension of services with conditions. The motion was seconded by Commissioner Duncan.**

**The motion was carried by the following roll call vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, Gill, Fichter, Lambert and Chair  
Leverenz

**NOES:** None

**ABSENT:** None

**ABSTAINS:** None

It was agreed the City of Chico's draft Fiscal Study should be sent out to the members of the Commission and if the Commissioners have comments to relay they can be brought back at a later meeting to be heard by the full Commission.

**5. PUBLIC COMMENTS NOT ON THE AGENDA - None**

**6. REPORTS AND COMMUNICATION**

**6.1 Executive Officer's Report –**

Steve Lucas summarized the Executive Officer's report and added staff has received 5 ballots so far for the Special District Non-Enterprise Regular Commissioner member and a Special District Alternate Commissioner member. It is necessary we receive 21 ballots back to obtain a quorum. Hopefully when we report back in June, we will have 21 ballots and if not, we will respectfully ask Loren Gill to remain seated as a Commissioner until a new representative is voted in.

Under legislative notes, Steve Lucas stated he testified on behalf of AB743 (the island annexation law sunset provision) before the full Assembly. AB743 passed out of the Assembly Local Government Committee unanimously and now the full Assembly has voted and it passed unanimously as well. AB743 now goes before the Senate Sub-Committee and Steve Lucas will probably be called to testify.

**6.2 Correspondence – None**

**7. ADMINISTRATION.**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:20 a.m. to the **Thursday, June 6, 2013** regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



By: Stephen Lucas, Executive Officer